

1 GREENBERG TRAURIG, LLP
2 Ricky L. Shackelford (SBN 151262)
3 *shackelfordr@gtlaw.com*
4 Matthew R. Gershman (SBN 253031)
5 *gershmanm@gtlaw.com*
6 1840 Century Park East, Suite 1900
7 Los Angeles, CA 90067
8 Tel: (310) 586-7700
9 Fax: (310) 586-7800

COOLEY LLP
Michelle C. Doolin (SBN 179445)
mdoolin@cooley.com
Darcie A. Tilly (SBN 239715)
dtilly@cooley.com
4401 Eastgate Mall
San Diego, CA 92121
Tel: (858) 550-6000
Fax: (858) 550-6420

ALEXANDER DUBOSE JEFFERSON
& TOWNSEND LLP
Marcy Hogan Greer (*pro hac vice*)
mgreer@adjtlaw.com
515 Congress Ave., Ste. 2350
Austin, Texas 78701-3562
Tel: (512) 482-9300
Fax: (512) 482-9303

2 Attorneys for Defendant,
3 Fifth Generation, Inc.

4 [Additional Counsel Listed on Next Page]

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

8 GARY HOFMANN,
9 Plaintiff,
10
11 v.
12 FIFTH GENERATION, INC., a
13 Texas corporation; and DOES 1
14 through 100, inclusive,
15 Defendants.

Case No: 14-CV-2569 JM (JLB)

**JOINT MOTION TO CONTINUE
HEARING ON MOTION FOR CLASS
CERTIFICATION AND SET A BRIEFING
SCHEDULE FOR OPPOSITION AND
REPLY BRIEFS**

AND RELATED CASE

Action filed: Sept. 30, 2014
Removed: October 28, 2014
Trial date: December 19, 2016

**JOINT MOTION TO CONTINUE HEARING AND
SET BRIEFING SCHEDULE**

14cv2569

1 JOHN H. DONBOLI (SBN: 205218)
2 E-mail: jdonboli@delmarlawgroup.com
3 DEL MAR LAW GROUP, LLP
4 12250 El Camino Real, Suite 120
San Diego, CA 92130
Telephone: (858) 793-6244
5 Facsimile: (858) 793-6005

6 JONATHAN W. CUNEO
7 Email: jonc@cuneolaw.com
TAYLOR ASEN
8 Email: tasen@cuneolaw.com
9 CUNEO GILBERT & LaDUCA, LLP
507 C Street, NE
10 Washington, DC 20002
Telephone: (202) 789-3960
11 Facsimile: (202) 789-1813

12
13 *Attorneys for Plaintiff, Gary Hofmann*

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JOINT MOTION TO CONTINUE HEARING AND
SET BRIEFING SCHEDULE

14cv2569

JOINT MOTION

On January 8, 2016, a motion for class certification was filed that noticed a hearing date of February 29, 2016, at 10:00 a.m., before the Hon. Jeffrey T. Miller.

Having met and conferred regarding scheduling issues, the parties have stipulated and agreed to, pending this Court's approval, continue the hearing and to set filing deadlines that provide sufficient time for each side to prepare their respective opposition and reply papers, including sufficient time for defendant to complete expert discovery relating to the motion. Accordingly, the parties propose as follows:

Event	Old Date	Proposed New Date
Defendant's opposition due	February 12, 2016	February 22, 2016
Reply due	February 22, 2016	March 14, 2016
Hearing on motion for class certification	February 29, 2016 10:00 a.m.	March 21, 2016 10:00 a.m.

This proposed briefing schedule complies with the Local Civil Rules requiring oppositions to be filed at least 14 days before the hearing and replies to be filed at least 7 days before the hearing. CivLR 7.1(e). Additionally, on January 15, 2016, the parties tentatively cleared the March 21, 2016 date with the Court's law clerk, per the Court's Standing Rules.

For the forgoing reasons, the parties jointly request that the Court continue the hearing and set the briefing schedule as set forth herein.

GREENBERG TRAURIG, LLP

By: *s/Ricky L. Shackelford*
Attorneys for Defendant
Fifth Generation, Inc.
E-mail: *shackelfordr@gtlaw.com*

1 DATED: January 15, 2016

CUNEO GILBERT & LaDUCA, LLP

2
3 By: /s Taylor Asen
4 Attorney for Plaintiff GARY
5 HOFMANN
Email: tasen@cuneolaw.com

6 I certify that all signatories hereto have indicated the content of this document is
7 acceptable for filing and given their permission to use their e-signatures on this
document.

8
9 By: s/ Ricky L. Shackelford
10 Attorneys for Defendant
11 Fifth Generation, Inc.
E-mail: shackelfordr@gtlaw.com

CERTIFICATE OF SERVICE**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Hofmann v. Fifth Generation, Inc., etc.
USDC Case No. 3:14-CV-2569-JM-JLB

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and not a party to the within action; my business address is **1840 Century Park East, Suite 1900, Los Angeles, CA 90067**.

On January 15, 2016, I served the **JOINT MOTION TO CONTINUE HEARING ON MOTION FOR CLASS CERTIFICATION AND SET A BRIEFING SCHEDULE FOR OPPOSITION AND REPLY BRIEFS** on the interested parties in this action as follows:

JOHN H. DONBOLI (SBN: 205218)
 E-mail: jdonboli@delmarlawgroup.com
 JL SEAN SLATTERY (SBN: 210965)
 E-mail: sslattery@delmarlawgroup.com
 DEL MAR LAW GROUP, LLP
 12250 El Camino Real, Suite 120
 San Diego, CA 92130
 Telephone: (858) 793-6244
 Facsimile: (858) 793-6005

Attorneys for Plaintiff: GARY HOFMANN, an individual and on behalf of all others similarly situated

Jonathan W. Cuneo, Esq.
 Email: jonc@cuneolaw.com
 Taylor Asen, Esq.
 Email: tasen@cuneolaw.com
CUNEO GILBERT & LaDUCA, LLP
 507 C Street, NE
 Washington, DC 20002
 Tel: (202) 789-3960
 Fax: (202) 789-1813

Co-Counsel for Plaintiff: GARY HOFMANN, an individual and on behalf of all others similarly situated

Michelle C. Doolin, Esq.
 Email: doolinmc@cooley.com
 Darcie A. Tilly, Esq.
 Email: dtilly@cooley.com
COOLEY LLP
 4401 Eastgate Mall
 San Diego, CA 92121
 Tel: (858) 550-6000
 Fax: (858) 550-6420

Attorneys for Defendant: FIFTH GENERATION, INC.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I filed the document(s) with the clerk of the court by using the CM/ECF system. Participants in the case

1 who are registered CM/ECF users will be served by the CM/ECF system.
2 Participants in the case who are not registered CM/ECF users will be served by
3 mail or by other means permitted by the court rules.

4 **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and
5 correct, and that I am employed at the office of a member of
6 the bar of this Court at whose direction the service was made.

7 Executed on January 15, 2016, at Los Angeles, California.

8 /s/ Ricky L. Shackelford

9 Ricky L. Shackelford

10
11
12
13
14 LA 132069721v1
15
16
17
18
19
20
21
22
23
24
25
26
27
28